

INTERNATIONAL SEARCH REPORT

Inte ial Application No
PCT/IB2004/003043

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/015 A61K31/136 A61P23/00 A61P29/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 03/040084 A (MERZ PHARMA GMBH & CO. KGAA; PARSONS, CHRISTOPHER, GRAHAM, RAPHAEL; HE) 15 May 2003 (2003-05-15) claims 6,9	1,6-10, 13,14
X	WO 99/01416 A (MERZ + CO. GMBH & CO) 14 January 1999 (1999-01-14) claims 1,12 page 46, line 26 page 46, line 29	1,6-10, 13,14
X	WO 01/98253 A (MERZ + CO. GMBH & CO) 27 December 2001 (2001-12-27) claims 1,8,9	1,6-10, 13,14
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

1 March 2005

Date of mailing of the international search report

08/03/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
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Authorized officer

Beranová, P

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB2004/003043

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>PARSONS C G ET AL: "Memantine and the amino-alkyl-cyclohexane MRZ 2/579 are moderate affinity uncompetitive NMDA receptor antagonists: In vitro characterisation"</p> <p>AMINO ACIDS, SPRINGER VERLAG, AU, vol. 19, no. 1, 2000, pages 157-166, XP002292645</p> <p>ISSN: 0939-4451</p> <p>page 163, last paragraph</p> <p>-----</p>	1,6-10, 13,14
A	<p>DANYSZ W ET AL: "AMINO-ALKYL-CYCLOHEXANS AS A NOVEL CLASS OF UNCOMPETITIVE NMDA RECEPTOR ANTAGONISTS"</p> <p>CURRENT PHARMACEUTICAL DESIGN, BENTHAM SCIENCE PUBLISHERS, SCHIPHOL, NL, vol. 10, no. 10, 2002, pages 835-843, XP008030349</p> <p>ISSN: 1381-6128</p> <p>page 842, paragraph 5</p> <p>-----</p>	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB2004/003043

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: —
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 1 - 24 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

Intellectual Application No
PCT/IB2004/003043

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03040084	A	15-05-2003	CA 2465738 A1 EP 1442008 A1 WO 03040084 A1 HU 0402028 A2 US 2003166634 A1	15-05-2003 04-08-2004 15-05-2003 28-01-2005 04-09-2003
WO 9901416	A	14-01-1999	AT 240936 T AU 724974 B2 AU 8804298 A CA 2292558 A1 CZ 9904571 A3 DE 69814878 D1 DE 69814878 T2 DK 1009732 T3 EA 2254 B1 WO 9901416 A2 EP 1009732 A2 ES 2200358 T3 FI 992801 A HK 1029574 A1 HU 0100266 A2 IL 133235 A JP 2002511873 T NO 996548 A PL 337809 A1 PT 1009732 T TW 593225 B US 6071966 A US 6034134 A ZA 9805678 A	15-06-2003 05-10-2000 25-01-1999 14-01-1999 14-06-2000 26-06-2003 19-05-2004 22-09-2003 28-02-2002 14-01-1999 21-06-2000 01-03-2004 29-12-1999 12-11-2004 29-05-2002 19-02-2004 16-04-2002 28-02-2000 11-09-2000 31-10-2003 21-06-2004 06-06-2000 07-03-2000 10-01-2000
WO 0198253	A	27-12-2001	AU 8186101 A CA 2410852 A1 CZ 20030497 A3 WO 0198253 A2 EP 1303477 A2 HU 0301551 A2 JP 2004501130 T NO 20026103 A PL 359583 A1 TW 593223 B ZA 200104187 A	02-01-2002 27-12-2001 18-08-2004 27-12-2001 23-04-2003 28-11-2003 15-01-2004 19-02-2003 23-08-2004 21-06-2004 22-11-2002

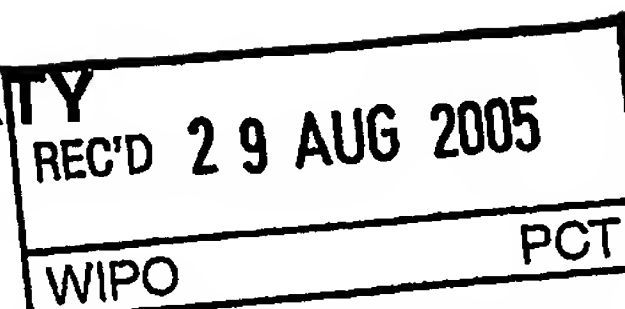
PATENT COOPERATION TREATY


PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 408.86811	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/IB2004/003043	International filing date (day/month/year) 28.07.2004	Priority date (day/month/year) 28.07.2003	
International Patent Classification (IPC) or national classification and IPC A61K31/015, A61K31/136, A61P23/00, A61P29/00			
Applicant MERZ PHARMA GmbH & Co. KGaA			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 28.02.2005		Date of completion of this report 26.08.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer Baurand, P Telephone No. +49 30 25901-	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/003043

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-24 as originally filed

Claims, Numbers

1-24 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/003043

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 1 - 24

because:

☒ the said international application, or the said claims Nos. 1 - 24 (with respect to industrial applicability) relate to the following subject matter which does not require an international preliminary examination (specify):

see separate sheet

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/003043

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2 - 5, 11, 12, 15 - 24
	No: Claims	1, 6 - 10, 13, 14
Inventive step (IS)	Yes: Claims	-
	No: Claims	1 - 24
Industrial applicability (IA)	Yes: Claims	-
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item III.

3.1 Claims 1 - 24 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

Re Item V.

5.1 The following documents are referred to in this communication:

- D1: WO 03/040084 A (MERZ PHARMA GMBH & CO. KGAA; PARSONS, CHRISTOPHER, GRAHAM, RAPHAEL; HE) 15 May 2003 (2003-05-15)
- D2: WO 99/01416 A (MERZ + CO. GMBH & CO) 14 January 1999 (1999-01-14)
- D3: WO 01/98253 A (MERZ + CO. GMBH & CO) 27 December 2001 (2001-12-27)
- D4: PARSONS C G ET AL: "Memantine and the amino-alkyl-cyclohexane MRZ 2/579 are moderate affinity uncompetitive NMDA receptor antagonists: In vitro characterisation" AMINO ACIDS, SPRINGER VERLAG, AU, vol. 19, no. 1, 2000, pages 157-166, XP002292645 ISSN: 0939-4451
- D5: DANYSZ W ET AL: "AMINO-ALKYL-CYCLOHEXANS AS A NOVEL CLASS OF UNCOMPETITIVE NMDA RECEPTOR ANTAGONISTS" CURRENT PHARMACEUTICAL DESIGN, BENTHAM SCIENCE PUBLISHERS, SCHIPHOL, NL, vol. 10, no. 10, 2002, pages 835-843, XP008030349 ISSN: 1381-6128

5.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 6 - 10, 13 and 14 is not new in the sense of Article 33(2) PCT.

Document **D1** discloses the same compounds as claimed by the present application and their use for the treatment of chronic and acute pain and migraine (claims 6 and 9).

D2 shows the same compounds as NMDA receptor antagonists and their use for the treatment of chronic and acute pain (claims 1 and 12; page 46, lines 26 and 29).

D3 teaches about the same compounds and their use for the treatment of pain (claims 1, 8 and 9).

D4 reports that a strong evidence exists that MRZ 2/579 (= neramexane) could be useful for the treatment of chronic pain (page 163, last paragraph).

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/IB2004/003043

The above documents are therefore considered to be relevant for novelty and inventive step of the subject-matter of claims 1, 6 - 10, 13 and 14.

5.3 Concerning inventive step, the following is pointed out:

The present application differs from the above cited prior art in the condition treated (chronic and acute pain and migraine in D1 - D4 and hyperalgesia, allodynia and neuropathic pain in the present application).

The problem to be solved by the present application may be regarded as providing for compounds useful for the treatment of the above listed conditions.

First, it is considered that the difference between chronic and acute pain and hypersensitivity to pain is very minor. Furthermore, D5 reports that a first Ib phase clinical trial to evaluate the effect of neramexane on hyperalgesia and allodynia has been set up recently (page 842, 5th paragraph). The skilled person would therefore regard the use of 1-amino-alkylcyclohexane derivatives such as neramexane for the treatment of hyperalgesia and allodynia as an obvious option in order to solve the problem posed.

In view of the cited documents, the subject-matter of claims 1 - 24 lacks inventive step (Article 33(3) PCT).

5.4 For the assessment of the present claims 1 - 24 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

PATENT COOPERATION TREATY**PCT**INTERNATIONAL APPLICATION STATUS FORM
(IASF)**Date of issue of this IASF:**(the information contained in this IASF reflects the status
of the international application as of this date)

09 February 2006 (09.02.2006)

From the INTERNATIONAL BUREAU

To:

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Patents,
P.O.Box 1450
Alexandria VA 22313 -1450
ETATS-UNIS D'AMERIQUE

I - INTERNATIONAL APPLICATION		
I-1	International application number:	PCT/IB2004/003043
I-2	International filing date:	28 July 2004 (28.07.2004)
I-3	Earliest priority date:	28 July 2003 (28.07.2003)
I-4	Title of the invention:	THE USE OF 1-AMINO- ALKYLCYCLOHEXANE COMPOUNDS IN THE TREATMENT OF PAIN HYPERSENSITIVITY
I-5	International Patent Classification:	⁷ A61K 31/015, 31/136, A61P 23/00, 29/00
I-6	Language of filing:	English
I-7	The State for which the Office acts as a designated Office has been designated in the international application:	Yes
I-7-1	Indication of the State(s) designated in the international application in respect of which the Office acts as a designated Office (only where the designated Office is a regional Office):	Not applicable
I-7-2	The international application has been considered withdrawn in a declaration made by the receiving Office on (date):	Not applicable
I-7-3	The international application or the designation of the State for which the Office acts as a designated Office has been withdrawn by the applicant (date on which withdrawal became effective):	Not applicable
I-7-4	Kind of protection or treatment:	Patent
I-7-4-1	Identification of parent application or parent grant:	Not applicable
I-8	Date of receipt of record copy by the International Bureau:	20 September 2004 (20.09.2004)
I-9	Applicant(s) and/or inventor(s) for the State(s) for which the Office acts as a designated Office	
I-9-1	Applicant and/or inventor	
I-9-1-1	Data currently on record	
I-9-1-1-1	Applicant's and/or inventor's name:	MAGERL, Walter
I-9-1-1-2	Address:	Kästrich 12d 55116 Mainz Germany
I-9-1-1-3	State of nationality:	DE
I-9-1-1-4	State of residence:	DE

I-9-1-1-5	This person is:	Applicant and inventor
I-9-1-2	Data previously on record (in case of a change recorded by the International Bureau under Rule 92bis):	No data previously on record available for inclusion in this IASF; any such data is available from the IB.
I-9-1-3	Indication of the State(s) designated in the international application for the purposes of which the person is an applicant and/or inventor (only where the designated Office is a regional Office):	Not applicable
I-9-2	Applicant and/or inventor	
I-9-2-1	Data currently on record	
I-9-2-1-1	Applicant's and/or inventor's name:	KLEIN, Thomas
I-9-2-1-2	Address:	Freiherr vom Stein Str. 17 55257 Budenheim Germany
I-9-2-1-3	State of nationality:	DE
I-9-2-1-4	State of residence:	DE
I-9-2-1-5	This person is:	Applicant and inventor
I-9-2-2	Data previously on record (in case of a change recorded by the International Bureau under Rule 92bis):	No data previously on record available for inclusion in this IASF; any such data is available from the IB.
I-9-2-3	Indication of the State(s) designated in the international application for the purposes of which the person is an applicant and/or inventor (only where the designated Office is a regional Office):	Not applicable
I-9-3	Applicant and/or inventor	
I-9-3-1	Data currently on record	
I-9-3-1-1	Applicant's and/or inventor's name:	TREEDE, Rolf-Detlef
I-9-3-1-2	Address:	Theodor-Storm-Weg 11 55127 Mainz Germany
I-9-3-1-3	State of nationality:	DE
I-9-3-1-4	State of residence:	DE
I-9-3-1-5	This person is:	Applicant and inventor
I-9-3-2	Data previously on record (in case of a change recorded by the International Bureau under Rule 92bis):	No data previously on record available for inclusion in this IASF; any such data is available from the IB.
I-9-3-3	Indication of the State(s) designated in the international application for the purposes of which the person is an applicant and/or inventor (only where the designated Office is a regional Office):	Not applicable
I-10	The international application contains sequence listings and/or tables filed under Section 801(a) of the Administrative Instructions:	No
I-11	The following declaration(s) referred to in Rule 4.17 made for the purposes of the State(s) for which the Office acts as a designated Office was (were) contained in the international application as filed or received by the International Bureau before the expiration of the time limit under Rule 20r.1:	
I-11-1	Declaration(s) as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):	Not applicable
I-11-2	Declaration(s) as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)):	Not applicable
I-11-3	Combined declaration(s) as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)) and the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)) :	Not applicable

I-11-4	Declaration(s) as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):	Not applicable
I-11-5	Declaration(s) of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv)):	Not applicable
I-11-6	Declaration(s) as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):	Not applicable
II - PRIORITY CLAIM(S)		
II-1	Number of earlier application:	60/490,865
II-1-1	Filing date of earlier application:	28 July 2003 (28.07.2003)
II-1-2	Country in which, or regional Office or receiving Office with which earlier application was filed (where the earlier application is an ARIPO application, indication of the country party to the Paris Convention or Member of the World Trade Organization for which that earlier application was filed):	US
II-1-3	Priority document received at the International Bureau on:	08 November 2004 (08.11.2004)
II-1-4	Priority document submitted or transmitted in compliance with Rule 17.1(a) or (b) (only where priority document was received at the International Bureau):	Yes
II-1-5	Applicant has requested the receiving Office to prepare and transmit the priority document in compliance with Rule 17.1(b) (only where no priority document was received at the International Bureau):	Not applicable
II-1-6	Priority claim withdrawn by a notice from the applicant (date on which withdrawal became effective; if the notice of withdrawal was received by the International Bureau after completion of technical preparations for international publication, such withdrawal will not have been reflected in the pamphlet) (Rule 90bis.3):	Not applicable
II-1-7	Declaration by the receiving Office or the International Bureau that priority claim is considered, for the purposes of the procedure under the Treaty, not to have been made (date of declaration) (Rule 26bis.2(b)):	Not applicable
II-2	Number of earlier application:	60/526,825
II-2-1	Filing date of earlier application:	02 December 2003 (02.12.2003)
II-2-2	Country in which, or regional Office or receiving Office with which earlier application was filed (where the earlier application is an ARIPO application, indication of the country party to the Paris Convention or Member of the World Trade Organization for which that earlier application was filed):	US
II-2-3	Priority document received at the International Bureau on:	08 November 2004 (08.11.2004)
II-2-4	Priority document submitted or transmitted in compliance with Rule 17.1(a) or (b) (only where priority document was received at the International Bureau):	Yes
II-2-5	Applicant has requested the receiving Office to prepare and transmit the priority document in compliance with Rule 17.1(b) (only where no priority document was received at the International Bureau):	Not applicable
II-2-6	Priority claim withdrawn by a notice from the applicant (date on which withdrawal became effective; if the notice of withdrawal was received by the International Bureau after completion of technical preparations for international publication, such withdrawal will not have been reflected in the pamphlet) (Rule 90bis.3):	Not applicable

II-2-7	Declaration by the receiving Office or the International Bureau that priority claim is considered, for the purposes of the procedure under the Treaty, not to have been made (date of declaration) (Rule 26bis.2(b)):	Not applicable
II-3	Number of earlier application:	60/537,215
II-3-1	Filing date of earlier application:	16 January 2004 (16.01.2004)
II-3-2	Country in which, or regional Office or receiving Office with which earlier application was filed (where the earlier application is an ARIPO application, indication of the country party to the Paris Convention or Member of the World Trade Organization for which that earlier application was filed):	US
II-3-3	Priority document received at the International Bureau on:	08 November 2004 (08.11.2004)
II-3-4	Priority document submitted or transmitted in compliance with Rule 17.1(a) or (b) (only where priority document was received at the International Bureau):	Yes
II-3-5	Applicant has requested the receiving Office to prepare and transmit the priority document in compliance with Rule 17.1(b) (only where no priority document was received at the International Bureau):	Not applicable
II-3-6	Priority claim withdrawn by a notice from the applicant (date on which withdrawal became effective; if the notice of withdrawal was received by the International Bureau after completion of technical preparations for international publication, such withdrawal will not have been reflected in the pamphlet) (Rule 90bis.3):	Not applicable
II-3-7	Declaration by the receiving Office or the International Bureau that priority claim is considered, for the purposes of the procedure under the Treaty, not to have been made (date of declaration) (Rule 26bis.2(b)):	Not applicable
III - INTERNATIONAL SEARCH REPORT		
III-1	International Searching Authority carrying out the international search:	ISA/EP
III-2	International search report or declaration under Article 17 (2)(a) received by the International Bureau:	Yes
III-3	Corrected version(s) of the international search report (if any) received by the International Bureau:	Not applicable
IV - REFERENCE TO DEPOSITED BIOLOGICAL MATERIAL		Not applicable
V - INTERNATIONAL PUBLICATION		
V-1	International publication number:	WO 2005/009421 (A3)
V-2	International publication date:	03 February 2005 (03.02.2005)
V-3	Language of publication:	English
V-4	Number of figure of drawing published together with the abstract:	Not applicable
V-5	Republication(s) (republishing date(s) and reason(s)):	10 March 2005 (10.03.2005) (A2) Correction of entry in Section I of the PCT Gazette 21 April 2005 (21.04.2005) (A3) Later publication of international search report
VI - INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I)		
VI-1	International preliminary report on patentability (Chapter I) issued by the International Bureau on:	Not applicable
VI-2	Corrected version(s) of the international preliminary report on patentability (Chapter I) (if any) issued by the	Information not available for inclusion in this IASF

	International Bureau on:	
VII - INTERNATIONAL PRELIMINARY EXAMINATION		
VII-1	A demand electing the State(s) for which the Office acts as an elected Office has been received by the International Preliminary Examining Authority (where the elected Office is a regional Office, indication of the State(s) elected in respect of which the Office acts as an elected Office):	Yes 28 February 2005 (28.02.2005)
VII-2	The election was made before/after the expiration of 19 months from the priority date:	Before
VII-3	The election or the demand containing the election of the State(s) for which the Office acts as an elected Office has been considered not to have been made or submitted in a declaration made by (the International Bureau/the competent International Preliminary Examining Authority) on (date):	Not applicable
VII-4	The election or the demand containing the election of the State(s) for which the Office acts as an elected Office has been withdrawn by the applicant (date on which withdrawal became effective being the date of receipt of the notice of withdrawal by the International Bureau) (Rule 90is.4):	Not applicable
VII-5	International Preliminary Examining Authority carrying out international preliminary examination:	IPEA/EP
VII-6	International preliminary examination report received by the International Bureau:	No
VII-7	Corrected version(s) of the international preliminary examination report (if any) received by the International Bureau:	Information not available for inclusion in this IASF

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